IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.53 OF 2005

Niwas Hanmant Sorate. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri A.P.Mundargi with Shri A.B.Vagyani for the Applicant.

Ms.S.D.Shinde, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 6th July, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P.for the State.

2. The Applicant is the Accused No.1 along with other accused in a case involving offence punishable under sections 302, 120(B) read with section 34 of the Indian Penal Code.By the order impugned, the application for discharge made by the Applicant has been rejected by the learned Adhoc Additional Sessions Judge.

3. The learned Adhoc Addl.Sessions Judge after examining the material on record came to the conclusion that there was enough material on record to frame charge against the Applicant. The statements of the witnesses have set out the role played by the Applicant. The material on record shows that the Applicant provided a

bundle containing Rs.100 currency notes to the other Accused Sudhir @ Rahul Chavan and asked him to do the act as agreed. Considering the scope of adjudication while considering the application for discharge, I find no fault with the view taken by the learned trial Judge. While rejecting the Application the learned trial Judge has directed that the hearing of the case will be expedited and hearing will commence in May 2005. Hence no case is made out for interference. Civil Revision Application is rejected.

4. It is made clear that all questions on merits are expressly kept open.

Judge.